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Attorneys for Defendant
YELP! INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHRISTINE LaPAUSKY d/b/a
D'AMES DAY SPA, on behalf of
herself and all others similarly situated,

Plaintiffs,

v.

YELP! INC.,

Defendant.

Case No. 2:10-cv-01578 R-E

NOTICE OF RELATED CASES:

**CASE No. 2:10-CV-01578-R-E &
CASE No. 2:10-CV-01340 VBF-SS
(L.R. 83-1.3)**

CATS AND DOGS ANIMAL
HOSPITAL, INC., on behalf of itself
and all others similarly situated,

Plaintiffs,

v.

YELP! INC.,

Defendant.

Case No. 2:10-cv-01340 VBF-SS

1 TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE ATTORNEYS
2 OF RECORD:

3 Defendant Yelp! Inc. (“Yelp!”) provides notice that the above-captioned
4 cases are related. These cases meet the standard for relatedness because they call
5 for the determination of the same or substantially related or similar questions of law
6 and fact (L.R. 83-1.3.1(b)) and would entail substantial duplication of labor if heard
7 by different judges (L.R. 83-1.3.1(c)). Plaintiff in *Christine LaPausky d/b/a*
8 *D’ames Day Spa v. Yelp! Inc.*, Case No. 2:10-cv-01578-R-E, has marked the case
9 as related to *Cats and Dogs Animal Hospital, Inc. v. Yelp! Inc.*, Case No. 2:10-cv-
10 01340 VBF-SS on her civil cover sheet attached to her filed complaint.

11 **BRIEF FACTUAL STATEMENT**

12 *Cats and Dogs Animal Hospital, Inc. v. Yelp! Inc.*, Case No. 2:10-cv-01340
13 VBF-SS, was filed in this Court on February 23, 2010. *Christine LaPausky d/b/a*
14 *D’ames Day Spa v. Yelp! Inc.*, Case No. 2:10-cv-01578-R-E, was filed on March 3,
15 2010. Both of the cases are putative class actions, both involve the same defendant,
16 both present similar factual allegations, both provide an identical putative class, and
17 both allege the same cause of action, namely violation of California’s Unfair
18 Competition Law, Business and Professions Code (“UCL”) Section 17200 et seq.
19 Indeed, many of the allegations are identical between the two complaints.

20 In *Cats and Dogs*, Plaintiff Cats and Dogs Animal Hospital, Inc. (“Cats and
21 Dogs”) alleges that Yelp! employees stated that if Cats and Dogs purchased Yelp!’s
22 advertising services, Yelp! would hide or remove negative reviews from the Cats
23 and Dogs Yelp.com page. Cats and Dogs alleges that after declining to purchase
24 Yelp!’s advertising services, negative reviews appeared on Cats and Dogs’
25 Yelp.com page. Cats and Dogs also quotes a handful of newspaper articles
26 concerning Yelp!’s business and sales practices related to the effect of advertising
27 on user reviews. Cats and Dogs’ sole claim is a claim for violation of UCL
28 § 17200, and it seeks to permanently enjoin Yelp! from engaging in the complained

1 of practices and seeks disgorgement of profits, restitution, and attorneys' fees and
2 costs, individually, and on behalf of a nationwide class.

3 Similarly, in the *LaPausky* case, Plaintiff Christine LaPausky d/b/a D'ames
4 Day Spa ("LaPausky") alleges that after encouraging her customers to leave
5 positive reviews for her salon on Yelp.com, many of those reviews were removed
6 because she declined to purchase Yelp!'s advertising services. LaPausky quotes the
7 same newspaper articles as in the *Cats and Dogs* complaint, alleges the same cause
8 of action (a violation of UCL § 17200), and seeks the same relief, on behalf of
9 herself and an identically defined, putative, nationwide class. LaPausky
10 furthermore marked the case as related to *Cats and Dogs* on her civil cover sheet
11 attached to her complaint.

12 As noted by Plaintiff in the *LaPausky* case, these cases are clearly related.
13 *First*, Yelp! is the sole defendant in each case. *Second*, many of the allegations are
14 substantially similar and they are literally identical in the following portions of the
15 Complaints: (a) Jurisdiction and Venue; (b) Introduction and Background; (c) the
16 Class Representation Allegations, and (d) the Prayer for Relief. Further, Plaintiffs
17 in both cases allege the same cause of action: violation of UCL Section 17200.
18 *Third*, for these reasons, Yelp!'s witnesses and evidence will almost completely
19 overlap, and the any certified class of plaintiffs is likely to be the same.

20 Because the cases call for determination of the same or substantially related
21 or similar questions of law and fact and would entail substantial duplication of
22 labor if heard by different judges, Defendant respectfully submits that they are
23 related and should be heard by the same judge.

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1 Dated: March 11, 2010

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4 /s/ Michael G. Rhodes
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